

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEJUAN THORNTON,

v. Plaintiff, Case Number 11-13787
COMERICA BANK, Honorable David M. Lawson
Defendant. Magistrate Judge Mark A. Randon

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
AND DISMISSING COMPLAINT WITHOUT PREJUDICE

Presently before the Court is the report issued on March 15, 2012 by Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the defendant's motion for summary judgment, deny the plaintiff's motion for summary judgment, and dismiss the complaint without prejudice. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. #23] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #18] is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #13] is **DENIED**.

It is further **ORDERED** that all other pending motions are **DENIED AS MOOT**.

It is further **ORDERED** that the complaint is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 3, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 3, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL